

Amend CSHB 2510 (house committee report) as follows:

(1) On page 135, between lines 11 and 12, insert the following appropriately numbered subdivisions and renumber subsequent subdivisions accordingly:

- (____) Section 403.002;
- (____) Section 403.053;
- (____) Section 403.109;
- (____) Section 403.201;
- (____) Section 403.205;
- (____) Section 403.206;
- (____) Section 403.208;
- (____) Section 403.210;
- (____) Section 403.211;
- (____) Section 403.252;

(2) On page 338, strike lines 16-19.

(3) On page 340, line 22, following the semicolon, add "and".

(4) On page 340, line 23, strike "; and" and substitute a period.

(5) On page 340, strike line 24.

(6) Add the following appropriately numbered SECTIONS to Part 1, Article 8, of the bill:

SECTION _____. Section 403.001, Occupations Code, as amended by SB 219, Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Subdivision (1) and amending Subdivisions (2) and (3) to read as follows:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation [~~State Health Services~~].

(3) "Executive director" [~~commissioner~~] means the executive director [~~commissioner~~] of the department [~~Health and Human Services Commission~~].

SECTION _____. Section 403.051, Occupations Code, is amended to read as follows:

Sec. 403.051. ADVISORY COMMITTEE. The department shall appoint an advisory committee to provide advice and recommendations

to ~~[advise]~~ the department on technical matters relevant to the administration of ~~[in administering]~~ this chapter.

SECTION _____. Subchapter B, Chapter 403, Occupations Code, is amended by adding Section 403.0511 to read as follows:

Sec. 403.0511. GENERAL POWERS AND DUTIES. The executive director shall administer and enforce this chapter.

SECTION _____. Section 403.052, Occupations Code, is amended to read as follows:

Sec. 403.052. STANDARDS OF ETHICAL PRACTICE ~~[RULES]~~. The commission ~~[executive commissioner]~~ shall adopt rules ~~[necessary to administer and enforce this chapter, including rules]~~ that establish standards of ethical practice.

SECTION _____. Section 403.103(a), Occupations Code, is amended to read as follows:

(a) A license applicant must apply to the department on a form and in the manner prescribed by the executive director ~~[the department prescribes]~~.

SECTION _____. The heading to Section 403.107, Occupations Code, is amended to read as follows:

Sec. 403.107. EXAMINATION ~~[, RULES]~~.

SECTION _____. Section 403.107(a), Occupations Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) To obtain a license, an applicant must:

(1) pass a written examination approved by the department under Subsection (b); and

(2) pay the required fees ~~[set by the executive commissioner by rule]~~.

SECTION _____. Sections 403.152(a) and (b), Occupations Code, are amended to read as follows:

(a) A license holder's license may not be renewed unless the license holder meets the continuing education requirements established by the commission by rule ~~[executive commissioner]~~.

(b) The commission ~~[executive commissioner]~~, in consultation with the advisory committee, shall establish the continuing education requirements in a manner that allows a license holder to comply without an extended absence from the license

holder's county of residence.

SECTION _____. The heading to Subchapter E, Chapter 403, Occupations Code, is amended to read as follows:

SUBCHAPTER E. LICENSE DENIAL; [~~COMPLAINT AND~~] DISCIPLINARY
PROCEDURES

SECTION _____. Section 403.202, Occupations Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 403.202. PROHIBITED ACTIONS. A license holder may not:

- (1) obtain a license by means of fraud, misrepresentation, or concealment of a material fact;
 - (2) sell, barter, or offer to sell or barter a license;
- or
- (3) engage in unprofessional conduct that endangers or is likely to endanger the health, welfare, or safety of the public as defined by commission [~~department~~] rule.

SECTION _____. Section 403.203, Occupations Code, is amended to read as follows:

Sec. 403.203. GROUNDS FOR DISCIPLINARY ACTION. If a license holder violates this chapter or a rule or code of ethics adopted by the commission [~~executive commissioner~~], the commission or executive director [~~department~~] shall:

- (1) revoke or suspend the license;
- (2) place on probation the person if the person's license has been suspended;
- (3) reprimand the license holder; or
- (4) refuse to renew the license.

SECTION _____. Section 403.204(a), Occupations Code, is amended to read as follows:

(a) The commission or executive director [~~department~~] may deny a license or may suspend or revoke a license if the applicant or license holder has been convicted of a misdemeanor involving moral turpitude or a felony. The commission or executive director [~~department~~] may take action authorized by this section when:

- (1) the time for appeal of the person's conviction has elapsed;

(2) the judgment or conviction has been affirmed on appeal; or

(3) an order granting probation is made suspending the imposition of the person's sentence, without regard to whether a subsequent order:

(A) allows withdrawal of a plea of guilty;

(B) sets aside a verdict of guilty; or

(C) dismisses an information or indictment.

SECTION _____. Section 403.207(a), Occupations Code, is amended to read as follows:

(a) The commission [~~executive commissioner~~], in consultation with the advisory committee, by rule shall adopt a broad schedule of sanctions for a violation of this chapter.

SECTION _____. Section 403.209, Occupations Code, is amended to read as follows:

Sec. 403.209. MONITORING OF LICENSE HOLDER. (a) The commission [~~executive commissioner~~] by rule shall develop a system for monitoring a license holder's compliance with the requirements of this chapter.

(b) Rules adopted under this section must include procedures to:

(1) monitor for compliance a license holder who is ordered by the commission or executive director [~~department~~] to perform certain acts; and

(2) identify and monitor license holders who represent a risk to the public.

SECTION _____. Section 403.212, Occupations Code, is amended to read as follows:

Sec. 403.212. REPRIMAND; CONTINUING EDUCATION. (a) In addition to other disciplinary action authorized by this subchapter, the commission or executive director [~~department~~] may:

(1) issue a written reprimand to a license holder who violates this chapter; or

(2) require that a license holder who violates this chapter attend continuing education programs.

(b) The commission or executive director [~~department~~], in consultation with the advisory committee, may specify the number of

hours of continuing education that must be completed by a license holder to fulfill the requirement of Subsection (a)(2).

SECTION _____. The heading to Subchapter F, Chapter 403, Occupations Code, is amended to read as follows:

SUBCHAPTER F. PENALTIES [~~AND OTHER ENFORCEMENT PROCEDURES~~]

SECTION _____. Section 403.251(a), Occupations Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) A person who violates this chapter or [~~7~~] a rule adopted [~~by the executive commissioner under this chapter,~~] or [~~an~~] order issued [~~adopted by the department~~] under this chapter is liable for a civil penalty not to exceed \$500 for each occurrence.

(7) Renumber the SECTIONS of the bill accordingly.